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03 UNITED STATES DISTRICT COURT  
04 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

05 JAMES H. CARNER, III, ) CASE NO. C07-1646-JLR-MAT  
06 Plaintiff, )  
07 v. ) ORDER GRANTING PLAINTIFF'S  
08 DR. BEN SANDERS, ) MOTION FOR EXTENSION OF TIME  
09 Defendant. )  
10

11 Plaintiff is proceeding *pro se* and *in forma pauperis* in this action pursuant to 42 U.S.C.  
12 § 1983. Defendant has filed a motion for summary judgment. (Dkt. No. 33). On June 27, 2008,  
13 plaintiff filed a motion seeking to have the undersigned United States Magistrate Judge conduct  
14 all further proceedings in this matter, including trial. (Dkt. No. 38). Having reviewed the motion  
15 and the balance of the record, the Court hereby finds and ORDERS as follows:

16 (1) In the motion, plaintiff states that all of his legal documents were removed from  
17 his cell. (Dkt. No. 38 at 1). It is unclear how the relief that plaintiff seeks in the motion –  
18 assignment of the undersigned to preside over further proceedings – relates to this loss of  
19 documents. In addition, plaintiff's response to defendant's motion for summary judgment was due  
20 on July 7, 2008. In light of these circumstances, the Court construes plaintiff's motion as a motion  
21 for extension of time to file a response to defendant's motion for summary judgment. So  
22 construed, the motion (Dkt. No. 38) is GRANTED.

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(2) Plaintiff's response to defendant's motion for summary judgment is due no later than **August 25, 2008**. Defendant's reply, if necessary, is due no later than **August 29, 2008**. The Clerk shall RENOTE defendant's motion for summary judgment (Dkt. No. 33) for consideration by the Court on **August 29, 2008**. In addition, the deadline for filing a joint pretrial statement, as described in the Court's previous Order of March 13, 2008, is hereby STRICKEN and shall be reset, if necessary, after resolution of defendant's motion for summary judgment.

(3) The Clerk shall send a copy of this Order to plaintiff, to counsel for defendant, and to the Honorable James L. Robart.

DATED this 4th day of August, 2008.

  
Mary Alice Theiler  
United States Magistrate Judge